

# HOUSE BILL 1372

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 22, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Commercial Fishing Licenses, Authorizations, and**  
3 **Permits**

4 FOR the purpose of authorizing the Department of Natural Resources to assess  
5 certain costs on certain commercial fishing licensees; applying to all applicants  
6 a requirement that certain applicants for a commercial fishing guide license  
7 provide certain information related to a federal license as part of a license  
8 application; authorizing rather than requiring the Department to set certain  
9 targets for the number of certain tidal fish license authorizations; repealing a  
10 provision of law limiting the number of participants in the commercial and  
11 charter boat fishery; establishing a certain application fee for the transfer of a  
12 commercial fishing license or authorization; adding certain relatives to the list  
13 of family members eligible for a certain license transfer; expanding the pool of  
14 persons eligible to be named the beneficiary of a license or authorization on the  
15 death of a licensee; altering the transfer procedures for a license or  
16 authorization following the death of a licensee; establishing that the license of a  
17 deceased licensee is void under certain circumstances; prohibiting a person from  
18 operating under the license of a deceased licensee without certain approval;  
19 altering the period of time for which the Department may approve the  
20 temporary transfer of a license or authorization; limiting the number of times a  
21 license or authorization may be temporarily transferred per license year;  
22 establishing that certain prohibited acts that result from certain suspensions of  
23 a license of a temporary transferee also result from certain revocations of a  
24 license of a temporary transferee; repealing a provision of law that prohibits a  
25 person from temporarily transferring a license for remuneration; repealing  
26 provisions of law that authorize another person to use a certain vessel and  
27 license of a licensee to perform certain commercial fishing activities under  
28 certain circumstances; altering the eligibility requirements and procedures for  
29 the permanent transfer of a license or authorization; altering a certain provision  
30 of law governing the relinquishment of a certain license or certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 authorizations in exchange for a certain other license or certain authorizations;  
2 altering the documentation that a person engaged in a commercial fishing  
3 activity is required to possess and make available for inspection; providing for  
4 and clarifying the distribution and use of certain fisheries fees and surcharges  
5 collected by the Department; authorizing a person to transfer a certain crab  
6 authorization to apply to a separate tidal fish license; requiring the Department  
7 to review certain laws and policies in collaboration with certain entities and  
8 report its findings and recommendations to the Governor and the General  
9 Assembly on or before a certain date; requiring the publishers of the Annotated  
10 Code of Maryland to correct certain cross-references and terminology; defining  
11 a certain term; clarifying certain language; and generally relating to commercial  
12 fishing licenses, authorizations, and permits.

13 BY renumbering

14 Article – Natural Resources  
15 Section 4–101(l), (m), (n), (o), (p), (q), and (r), respectively,  
16 to be Section 4–101(m), (n), (o), (p), (q), (r), and (s), respectively  
17 Annotated Code of Maryland  
18 (2005 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Natural Resources  
21 Section 4–101(a)  
22 Annotated Code of Maryland  
23 (2005 Replacement Volume and 2011 Supplement)

24 BY adding to

25 Article – Natural Resources  
26 Section 4–101(l)  
27 Annotated Code of Maryland  
28 (2005 Replacement Volume and 2011 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article – Natural Resources  
31 Section 4–701 and 4–814  
32 Annotated Code of Maryland  
33 (2005 Replacement Volume and 2011 Supplement)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
35 MARYLAND, That Section(s) 4–101(l), (m), (n), (o), (p), (q), and (r), respectively, of  
36 Article – Natural Resources of the Annotated Code of Maryland be renumbered to be  
37 Section(s) 4–101(m), (n), (o), (p), (q), (r), and (s), respectively.

38 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
39 read as follows:

40 **Article – Natural Resources**

1 4-101.

2 (a) In this title the following words have the meaning indicated.

3 (L) **“HAILING SYSTEM” MEANS A COMMUNICATION SYSTEM USED BY**  
4 **LICENSEES TO NOTIFY THE DEPARTMENT OF A FISHING TRIP, HARVEST, OR**  
5 **OTHER FISHING RELATED INFORMATION AS REQUIRED BY THE DEPARTMENT.**

6 4-701.

7 (a) This section applies to any person who is required under Subtitle 2, 7, 8,  
8 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process,  
9 transport, export, or otherwise deal in fish caught in tidal waters.

10 (b) (1) The Department shall utilize a single, commercial license, to be  
11 known and designated as a tidal fish license.

12 (2) A tidal fish license authorizes a licensee:

13 (i) To engage in each activity indicated on the license; and

14 (ii) For catching crabs, to utilize the number of crew members  
15 indicated on the license.

16 (3) Except for a person receiving a license **AS A BENEFICIARY OF A**  
17 **DECEASED LICENSEE** under subsection [(i)(2)(ii)] **(J)(4)(I)** of this section, the  
18 Department may not issue a tidal fish license to an individual who is younger than 14  
19 years of age.

20 (4) A person may not guide fishing parties or catch, sell, buy, process,  
21 transport, export, or otherwise deal in fish caught in tidal waters unless licensed  
22 under this section.

23 (c) (1) The license year for every tidal fish license shall be 12 months from  
24 September 1 through August 31 of the following year.

25 (2) A licensee and crew members may engage only in those activities  
26 for which the annual fees for that license year have been paid.

27 (d) (1) The Department may issue no more than one authorization to a  
28 person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection  
29 during a license year.

1                   (2)   (i)    On a tidal fish license, the Department may issue an  
2 authorization for any of the following activities for which the indicated fee has been  
3 paid.

4                               (ii)   The following annual fees for an authorization shall apply  
5 regardless of when the license is issued or an activity is authorized:

6                               1.    To provide services as:

7                                       A.    A fishing guide in the tidal waters of Maryland – \$50  
8 for a resident and \$100 for a nonresident; and

9                                       B.    A master fishing guide, in addition to the fee under  
10 item A of this item – \$50 per vessel

11                              2.    To catch for sale fish with equipment which is legal  
12 under this title:

13                                       A.    Finfish:

14    I.    Hook and line only, anywhere: \$37.50

15    II.   All other equipment: \$100

16                                       B.    Crabs:

17    I.    Up to 50 pots, trotlines, nets, dip nets, traps, pounds,  
18 and scrapes: \$50

19    II.   Over 50 pots, plus any other gear listed in item I of  
20 this sub-sub-subparagraph: \$150

21                                       C.    Clams – \$100

22                                       D.    Oysters – \$250 for a dredge boat and \$50 for other  
23 than a dredge boat

24                                       E.    Conch, turtles, and lobster – \$50

25                                       F.    For all activities in item 1A of this subparagraph and  
26 in items A through E of this item, unlimited tidal fish – \$300

27                              3.    For one or two crew members employed under § 4–814  
28 of this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of  
29 this paragraph with more than 300 pots, the licensee shall pay \$20 for each crew  
30 member.

1                   4.     Except for a licensee dealing in his own catch, for a  
2 person to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal  
3 waters of Maryland, seafood dealer – \$150

4                   5.     For a person who is not licensed under this section to  
5 land fish caught in out-of-state tidal waters, seafood landing – \$150

6           (e)     (1)    To catch striped bass for sale:

7                   (i)     A licensee authorized under subsection (d)(2)(ii)2A of this  
8 section shall pay an annual surcharge of \$200; or

9                   (ii)    A licensee authorized under subsection (d)(2)(ii)2F of this  
10 section shall pay with the license fee an annual surcharge of \$100.

11           (2)     (i)     A person may not catch oysters for sale without:

12                   1.     Possessing a valid license under this section;

13                   2.     Paying an annual surcharge of \$300; and

14                   3.     Certifying to the Department that the person received  
15 the publications required under § 4-1006.2 of this title.

16                   (ii)    The Department shall use the surcharges collected under  
17 this paragraph only for oyster repletion activities.

18           (3)     In addition to the normal license fees imposed under subsection  
19 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual  
20 surcharge of \$10 to be credited to the Seafood Marketing Office of the Department to  
21 fund seafood marketing programs which have been approved by the Department.

22           (4)     (i)     1.     In this paragraph, “fishing activities” means those  
23 activities that are directly related to catching fish.

24                   2.     “Fishing activities” does not include the activities of  
25 buying, selling, processing, transporting, exporting, or similarly dealing in fish.

26                   (ii)    The Department shall assess annually on every nonresident  
27 license applicant for the applicant’s fishing activities under Subtitles 7, 8, and 9 of this  
28 title, in addition to the normal license fees imposed by this subsection, a surcharge  
29 which cumulatively for the license year, shall be the greater of:

30                   1.     An amount equal to the difference between the total  
31 fees charged to a Maryland resident engaged in like fishing activities in the state of  
32 residence of the nonresident applicant and the total of normal license fees for fishing  
33 activities in Maryland; or



1           (3)   (i)    The Department shall by regulation limit the total number  
2 of **COMMERCIAL** authorizations to fish for striped bass [to 1,231 participants in the  
3 commercial fishery and 499 participants in the charter boat fishery].

4           (ii)   The Department shall provide in its regulations for  
5 reallocation of any authorizations that may be revoked or voluntarily relinquished to  
6 the Department.

7           (iii)  The Department shall provide in its regulations for the  
8 allocation of any available quota on a monthly basis to assure that all areas of the  
9 State have ample opportunity to attain an equitable portion of the available quota.

10          **[(h)] (I)**    The Department shall issue a license authorizing participation in a  
11 particular fishing activity to a person who has completed the requirements of an  
12 apprenticeship under § 4-701.1 of this subtitle.

13          **[(i)] (J)**    (1)    A license or authorization may be transferred only under the  
14 provisions of this subsection.

15                   **(2)    A PERSON WHO DESIRES TO OBTAIN A LICENSE OR**  
16 **AUTHORIZATION BY TRANSFER UNDER THIS SUBSECTION SHALL, FOR EACH**  
17 **LICENSE OR AUTHORIZATION APPLIED FOR:**

18                           **(I)    PAY A \$50 APPLICATION FEE; AND**

19                           **(II)   SUBMIT A COMPLETED APPLICATION TO THE**  
20 **DEPARTMENT.**

21           **[(2)] (3)**    The Department shall review and may approve the  
22 permanent transfer of a license or an authorization to a person who is the licensee's  
23 spouse, daughter, son, stepchild, grandchild, stepgrandchild, parent, sister, brother,  
24 grandparent, **AUNT, UNCLE, NIECE, NEPHEW**, father-in-law, mother-in-law,  
25 son-in-law, daughter-in-law, sister-in-law, or brother-in-law[, and only:

26                   (i)    If the licensee makes application to the Department  
27 requesting transfer and the transferee has paid the fee for the license or authorization;  
28 or

29                   (ii)   Upon death of the licensee, if the licensee or an authorized  
30 representative of the licensee indicates or had indicated that person's name to the  
31 Department.

32           (3)   (i)    The Department may approve a temporary transfer for not  
33 less than 30 days and not more than 90 days.

1 (ii) A person may not transfer a license in exchange for any type  
2 of remuneration.

3 (iii) A temporary transferee who is convicted or receives an  
4 accepted plea of nolo contendere for a violation of federal or State fisheries law that  
5 results in a license suspension may not use a tidal fish license issued to the individual  
6 or receive a transfer of a tidal fish license during the period of suspension.

7 (4) (i) The Department shall establish by regulation a procedure  
8 for a licensee, except a fishing guide licensee or a master fishing guide licensee, to  
9 voluntarily register the licensee's commercial fishing vessel number on the face of the  
10 license.

11 (ii) If a licensee has voluntarily registered the vessel number on  
12 the license under subparagraph (i) of this paragraph, the licensee may allow another  
13 person to use the vessel for the commercial activities authorized on the license.

14 (iii) If a licensee allows another person to utilize a vessel under  
15 subparagraph (ii) of this paragraph, for purposes of the license suspension criteria in  
16 subsection (k) of this section, the licensee shall be held responsible for any violations  
17 committed by the person using the vessel.

18 (5) (i) This paragraph applies only to:

19 1. A licensee who has held a valid tidal fish license in  
20 each of the three immediately preceding seasons; or

21 2. An authorized representative of a deceased licensee  
22 regardless of the number of seasons the deceased licensee held a valid tidal fish  
23 license.

24 (ii) The Department shall review and may approve a permanent  
25 transfer of a license or authorization under this paragraph to a person who has:

26 1. A. Purchased a vessel used for commercial fishing  
27 from the license holder; or

28 B. Purchased equipment and assets with a minimum  
29 value of \$2,000 and the commercial fishing business from the license holder;

30 2. Been a crew member for at least 2 years in any  
31 commercial fishery as certified by three tidal fish licensees;

32 3. Paid the fee for the license or authorization; and

33 4. Provided a notarized bill of sale].

1           **(4) (I) ON THE DEATH OF A LICENSEE, THE DEPARTMENT**  
2 **SHALL REVIEW AND MAY APPROVE THE PERMANENT TRANSFER OF A LICENSE**  
3 **OR AUTHORIZATION TO THE PERSON INDICATED ON THE BENEFICIARY FORM**  
4 **SUBMITTED BY THE DECEASED LICENSEE AT THE TIME OF ISSUANCE ON THE**  
5 **LICENSE.**

6           **(II) THE PERSONAL REPRESENTATIVE OF THE ESTATE OF**  
7 **THE DECEASED LICENSEE MAY RETAIN THE LICENSE OR AUTHORIZATION FOR 2**  
8 **YEARS FROM THE DATE OF APPOINTMENT AS PERSONAL REPRESENTATIVE IF:**

9                   **1. THE DECEASED LICENSEE DID NOT INDICATE A**  
10 **LICENSE BENEFICIARY;**

11                   **2. THE DEPARTMENT DETERMINES THAT THE**  
12 **LICENSE BENEFICIARY IS NOT QUALIFIED TO RECEIVE THE LICENSE OR**  
13 **AUTHORIZATION; OR**

14                   **3. THE LICENSE BENEFICIARY DOES NOT ACCEPT**  
15 **THE LICENSE OR AUTHORIZATION.**

16           **(III) ON APPOINTMENT, THE PERSONAL REPRESENTATIVE**  
17 **SHALL NOTIFY THE DEPARTMENT OF THE APPOINTMENT AND THE INTENT TO**  
18 **RETAIN THE LICENSE OR AUTHORIZATION.**

19           **(IV) A LICENSE OR AUTHORIZATION RETAINED UNDER THIS**  
20 **PARAGRAPH MAY BE RENEWED ANNUALLY AS REQUIRED BY THIS TITLE.**

21           **(V) BEFORE THE END OF THE 2-YEAR PERIOD, THE**  
22 **PERSONAL REPRESENTATIVE MAY SUBMIT A COMPLETED TRANSFER**  
23 **APPLICATION TO TRANSFER THE LICENSE OR AUTHORIZATION TO A QUALIFIED**  
24 **INDIVIDUAL.**

25           **(VI) IF A LICENSE OR AUTHORIZATION IS NOT TRANSFERRED**  
26 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AND A TRANSFER**  
27 **APPLICATION IS NOT SUBMITTED UNDER SUBPARAGRAPH (II) OF THIS**  
28 **PARAGRAPH, THE LICENSE OR AUTHORIZATION IS VOID.**

29           **(VII) A PERSON MAY NOT OPERATE UNDER THE LICENSE OR**  
30 **AUTHORIZATION OF THE DECEASED LICENSEE WITHOUT APPROVAL OF THE**  
31 **APPLICATION BY THE DEPARTMENT.**

1           **(5) (I) ONCE PER LICENSE YEAR, THE DEPARTMENT MAY**  
2 **APPROVE A TEMPORARY TRANSFER OF A LICENSE OR AUTHORIZATION FOR NOT**  
3 **MORE THAN THE REMAINDER OF THE LICENSE YEAR.**

4           **(II) A TEMPORARY TRANSFEREE WHO IS CONVICTED OR**  
5 **RECEIVES AN ACCEPTED PLEA OF NOLO CONTENDERE FOR A VIOLATION OF**  
6 **FEDERAL OR STATE FISHERIES LAW THAT RESULTS IN A LICENSE SUSPENSION**  
7 **OR REVOCATION MAY NOT ENGAGE IN THAT FISHING ACTIVITY OR RECEIVE A**  
8 **TRANSFER OF A TIDAL FISH LICENSE DURING THE PERIOD OF SUSPENSION OR**  
9 **REVOCATION.**

10           **(6) THE DEPARTMENT MAY APPROVE THE PERMANENT**  
11 **TRANSFER OF A LICENSE OR AUTHORIZATION UNDER THIS SUBSECTION FROM A**  
12 **PERSON WHO HAS HELD A VALID TIDAL FISH LICENSE FOR AT LEAST 2 YEARS TO**  
13 **A PERSON WHO:**

14           **(I) HAS WORKED AS A LICENSED CREW MEMBER OR TIDAL**  
15 **FISH LICENSEE FOR AT LEAST 2 YEARS IN ANY COMMERCIAL FISHERY AS**  
16 **CERTIFIED BY THREE TIDAL FISH LICENSEES OR THE RECORDS OF THE**  
17 **DEPARTMENT; AND**

18           **(II) PROVIDES A NOTARIZED BILL OF SALE FOR THE**  
19 **LICENSE OR AUTHORIZATION BEING TRANSFERRED.**

20           **[(j)] (K) (1) Notwithstanding the qualification criteria for a license and**  
21 **authorization to engage in an activity under this section, licensees may renew any**  
22 **valid existing authorizations on their licenses annually.**

23           **(2) (i) Application to renew a tidal fish license shall be made not**  
24 **later than August 31, or the next business day in the instance that the Department is**  
25 **not open, for the following license year.**

26           **(ii) The Department may not accept application for renewal**  
27 **after that date, as stated in subparagraph (i) of this paragraph unless:**

28                           1.     **Application is made by March 31, or the next business**  
29 **day in the instance that the Department is not open, of the following license year;**

30                           2.     **The applicant shows good cause why application was**  
31 **not made by August 31 of the previous license year; and**

32                           3.     **A late fee of \$50 is paid by the applicant in addition to**  
33 **the license fee.**

1           **[(k)] (L)**     (1)    [At the time of license renewal, a licensee who possesses  
2 three or more authorizations under subsection (d)(2)(ii)1 and 2A through E of this  
3 section, one of which is a crabbing authorization, may relinquish each authorization  
4 and receive an authorization under subsection (d)(2)(ii)2F of this section.] **AT THE**  
5 **TIME OF LICENSE RENEWAL, A LICENSEE WHO POSSESSES AN UNLIMITED TIDAL**  
6 **FISH LICENSE UNDER SUBSECTION (D)(2)(II)2F MAY RELINQUISH THE**  
7 **UNLIMITED TIDAL FISH LICENSE AND RECEIVE ONE OR MORE AUTHORIZATIONS**  
8 **UNDER SUBSECTION (D)(2)(II)1A THROUGH E OF THIS SECTION.**

9           (2)     The Department shall adjust the number of authorizations under  
10 subsection (d)(2)(ii) of this section to reflect the number of license conversions under  
11 paragraph (1) of this subsection.

12           **[(l)] (M)**     (1)    In addition to any other penalty provided in this title, the  
13 Department may suspend or revoke a person's entitlement to engage in a particular  
14 activity or activities under a tidal fish license.

15           (2)     During a period of suspension or revocation imposed by the  
16 Department, the person penalized is not and shall not be authorized under any  
17 existing, renewed, transferred, or new tidal fish license to engage in the particular  
18 activity or activities for which the suspension is imposed.

19           (3)     The following are grounds for suspension or revocation of a tidal  
20 fish license:

21                   (i)     Making any false statement in an application for a tidal fish  
22 license;

23                   (ii)    A serious violation of a State or federal commercial fisheries  
24 law that results in a conviction or an accepted plea of nolo contendere;

25                   (iii)   Failure to submit reports required by the provisions of this  
26 title or by the Department pursuant to provisions of this title; or

27                   (iv)    Failure for a nonresident of the State to appear in court  
28 pursuant to a citation issued by a Natural Resources police officer, or to any other  
29 process issued by any court of Maryland, for violation of this title.

30           (4)     A penalty imposed in accordance with this subtitle shall be in  
31 addition to any other penalty authorized under § 4-1201 of this title regarding striped  
32 bass.

33           (5)     The Department, in consultation with the Tidal Fisheries Advisory  
34 Commission and the Sport Fisheries Advisory Commission, shall adopt regulations  
35 relating to the suspension and revocation of licenses and authorizations issued under  
36 this title, including:

1 (i) A schedule of points assigned to various offenses under this  
2 title;

3 (ii) A schedule of the maximum number of days that a license  
4 may be suspended according to the number of points accumulated;

5 (iii) Suspension or revocation of a license or authorization for a  
6 serious violation of a State or federal commercial fisheries law that results in an  
7 individual receiving a conviction or an accepted plea of nolo contendere;

8 (iv) Enhanced penalties for repeated violations of this title; and

9 (v) Enhanced penalties for violations of provisions of this title  
10 that regulate species deemed by the Department to be in need of special protection,  
11 including striped bass, crabs, oysters, and menhaden.

12 (6) (i) Before the suspension or revocation of a tidal fish license  
13 under this section, the Department shall notify the licensee in writing of the licensee's  
14 right to a hearing on request.

15 (ii) If a licensee submits a written request for a hearing to the  
16 Department within 30 days after the date that the notice required under this  
17 paragraph is mailed, the Department shall:

18 1. Hold a hearing after providing at least 10 days' notice  
19 to the licensee; and

20 2. Conduct the hearing in accordance with Title 10,  
21 Subtitle 2 of the State Government Article.

22 (iii) The Department may suspend a commercial license issued  
23 under this title without a hearing if:

24 1. The licensee does not submit a written request for a  
25 hearing; or

26 2. The licensee fails to appear for a scheduled hearing  
27 for which the Department provided notice.

28 **[(m)] (N) (1) [A licensee or any person to whom a licensee has transferred**  
29 **a license under subsection (i) of this section shall have in possession the tidal fish**  
30 **license and any valid application to transfer the commercial tidal fish license approved**  
31 **by the Department for a temporary transfer whenever engaged in any licensed**  
32 **activity.] IF A PERSON IS ENGAGED IN AN ACTIVITY FOR WHICH A LICENSE OR**  
33 **AUTHORIZATION IS REQUIRED UNDER THIS SECTION, THE PERSON SHALL**  
34 **POSSESS:**

1                   **(I) ANY REQUIRED LICENSE, AUTHORIZATION, OR PERMIT;**  
2 **AND**

3                   **(II) FOR A PERSON TO WHOM A LICENSE OR**  
4 **AUTHORIZATION HAS BEEN TEMPORARILY TRANSFERRED, DOCUMENTATION**  
5 **INDICATING THE DEPARTMENT'S APPROVAL OF THE TEMPORARY TRANSFER**  
6 **APPLICATION.**

7                   (2) (i) This paragraph does not limit the Department's authority to  
8 inspect books, statements, and accounts under § 4-206(b) of this title.

9                   (ii) The licensee or any person to whom a licensee has  
10 transferred a license under subsection [(i)] **(J)** of this section shall allow any police  
11 officer, at reasonable times, including when the licensee or person is engaged in an  
12 activity that requires a license under this section, to inspect:

13                                 1. The license, **AUTHORIZATION, OR PERMIT;**

14                                 2. Any applicable application to transfer the commercial  
15 tidal fish license approved by the Department for a temporary transfer;

16                                 3. Commercial fishing vessels;

17                                 4. Vehicles used to transport fish for commercial  
18 purposes; and

19                                 5. Fish businesses owned or operated by a person  
20 licensed under this section.

21                   (iii) Inspections of vessels, vehicles, and businesses authorized  
22 under this paragraph shall be restricted to inspections of fishing gear and places  
23 where fish may be stored.

24                   (iv) Inspections of businesses authorized under this paragraph  
25 may be conducted in any building other than a dwelling house.

26                   (3) (i) An inspector may seize fishing gear or fish found during an  
27 inspection under this subsection that is used or possessed in connection with a  
28 violation of this title or a regulation adopted under this title.

29                   (ii) Fishing gear seized under this paragraph shall be held by  
30 the Department pending disposition of court proceedings, and on conviction the  
31 property seized or proceeds from the seizure shall be forfeited to the State for  
32 destruction or disposition as the Department may deem appropriate.

1 (iii) The Department may dispose of fish seized under this  
2 paragraph at its discretion.

3 [(n)] (O) The Department shall assign a permanent identification number to  
4 each licensee. A licensee shall display the identification number on every vessel,  
5 vehicle, gear, or place of business, as the Department may require by regulation.

6 [(o)] (P) The Department shall:

7 (1) Deposit to the credit of the Fisheries Research and Development  
8 Fund all fees received for tidal fish licenses, **AUTHORIZATIONS**, and [apprenticeship]  
9 permits **UNDER THIS SECTION**; and

10 (2) Use the funds received from the sale of [licenses to catch] striped  
11 bass **SURCHARGES** for **STRIPED BASS MANAGEMENT AND** enforcement purposes  
12 [during the open season for catching striped bass].

13 [(p)] (Q) (1) This subsection applies only to a person who, on April 1,  
14 1997:

15 (i) Held a valid fishing guide license; and

16 (ii) Either:

17 1. Owned two or more vessels used to carry passengers  
18 for fishing;

19 2. Owned or operated a federally licensed vessel of 50  
20 tons or more that was used to carry passengers for fishing; or

21 3. Owned or operated a marina from which 10 or more  
22 vessels operate to carry passengers for fishing.

23 (2) A person who meets the requirements of paragraph (1) of this  
24 subsection may obtain an annual master fishing guide license by:

25 (i) Filing an application on a form provided by the Department;

26 (ii) Supplying with the application proofs of ownership of the  
27 required vessels; and

28 (iii) Paying the master fishing guide license fee set forth in  
29 subsection (d)(2)(ii)1 of this section.

30 (3) A person holding a master fishing guide license may:

1 (i) Employ other persons to guide fishing parties on vessels  
2 owned by the master fishing guide; and

3 (ii) Allow a person who holds a valid Coast Guard license to  
4 operate a vessel to carry passengers for fishing from the marina owned or operated by  
5 the master guide license holder authorized under paragraph (1)(ii)3 of this subsection  
6 as follows:

- 7 1. One person for 10 vessels;
- 8 2. Two persons for 11 to 20 vessels;
- 9 3. Three persons for 21 to 30 vessels;
- 10 4. Four persons for 31 to 40 vessels;
- 11 5. Five persons for 41 to 50 vessels; and
- 12 6. Six persons for 51 or more vessels.

13 (4) (i) The Department shall issue a number of copies of the master  
14 fishing guide license corresponding to the number of vessels owned or operated by the  
15 master fishing guide, with each copy bearing the registration number of one of the  
16 vessels.

17 (ii) The master fishing guide shall ensure that when a vessel is  
18 operated, the appropriate copy of the license is on board.

19 (5) If a master fishing guide employs another person to operate a  
20 vessel to carry passengers for fishing, for purposes of the license suspension criteria in  
21 subsection **[(1)] (M)** of this section, the master fishing guide shall be held responsible  
22 for any violations committed by the person employed to operate the vessel.

23 4-814.

24 (a) Except as otherwise provided in this section, a person authorized to catch  
25 crabs for commercial purposes may not set or fish more than 300 crab pots.

26 (b) For the license year ending August 31, 1994, a licensee who held a valid  
27 license to catch crabs for commercial purposes on April 1, 1994 may set and fish 300  
28 additional crab pots for each additional crew member authorized on the license, but  
29 may not set more than 600 additional crab pots, regardless of the number of crew  
30 members, and may not set more than 900 pots per boat.

31 (c) (1) After August 31, 1994, an authorization granted under subsection  
32 (b) of this section to employ one or two additional crew members and thereby fish  
33 additional crab pots, shall **[run with that license] BE VALID** until the license is

1 **TRANSFERRED**, revoked by the Department or relinquished voluntarily by the  
2 licensee.

3 (2) An authorization granted under subsection (b) of this section [shall  
4 transfer with the license] **MAY BE TRANSFERRED TO ANOTHER LICENSEE**  
5 **SEPARATELY FROM THE ORIGINAL CRAB HARVESTER LICENSE OR TIDAL FISH**  
6 **LICENSE** in any valid transfer under Subtitle 7 of this title.

7 (d) (1) The Department shall determine the total number of additional  
8 crew authorizations granted under subsection (b) of this section.

9 (2) When a license is revoked or voluntarily relinquished, the  
10 Department may award the unused crew authorization to another licensee under  
11 criteria and procedures to be promulgated as regulations by the Department, provided  
12 that the number of crew authorizations in use may not exceed the total number  
13 granted under subsection (b) of this section as of August 31, 1994.

14 SECTION 3. AND BE IT FURTHER ENACTED, That:

15 (a) The Department of Natural Resources shall review the existing laws,  
16 regulations, fees, and processes associated with commercial fishing licenses in the  
17 State.

18 (b) As part of the review the Department shall consider:

19 (1) the costs of managing and enforcing commercial fisheries;

20 (2) the structure of the commercial license and permit system and  
21 associated fees and surcharges;

22 (3) accountability of licensees; and

23 (4) setting commercial license revenue at a level that covers a fair and  
24 equitable portion of the management and enforcement costs of the commercial  
25 fisheries.

26 (c) In conducting the review, the Department shall collaborate with  
27 representatives of the Tidal Fish Advisory Commission and the Sport Fisheries  
28 Advisory Commission.

29 (d) On or before October 1, 2012, the Department shall report its findings  
30 and recommendations for changes to the commercial fish license and permit fee  
31 structure to the Governor and, subject to § 2-1246 of the State Government Article,  
32 the General Assembly.

33 SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the  
34 Annotated Code of Maryland, in consultation with and subject to the approval of the

1 Department of Legislative Services, shall correct, with no further action required by  
2 the General Assembly, cross-references and terminology rendered incorrect by this  
3 Act or by any other Act of the General Assembly of 2012 that affects provisions  
4 enacted by this Act. The publishers shall adequately describe any such correction in an  
5 editor's note following the section affected.

6 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 2012.